



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,720	10/15/2001	Paul Waxelbaum	1191	4402

7590

01/02/2003

ALAN ISRAEL
KIRCHSTEIN OTTINGER ISRAEL & SCHIFFMILLER
489 FIFTH AVENUE
NEW YORK, NY 10017

EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,720

Applicant(s)

WAXELBAUM, PAUL

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 2.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 2, 13, and 14 are objected to because of the following informalities:

Re claim 2 (page 23, line 15): Substitute "father" with "further".

Re claim 13 (page 25, line 24): The word "and" after symbol renders the sentence incomplete and should be removed.

The dependency of claim 14, an apparatus claim, should be of the independent claim 13 not claim 11 a method claim. The examiner will treat claim 14 as a dependent of claim 13 and as per the attorney's agreement.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6, 8-10 are rejected under 35 U.S.C. 102(b) as being unpatented by Knowles (U.S. 6,027,024).

Re claim 1: Knowles discloses a hand-held portable www access terminal with visual display panel system, which includes methods of reading a bar code symbol with a bar code reader 7a and storing the data in the reader (col.8, lines 44+); electrically coupling the bar code reader with a mobile communication transceiver and processing the data into a message (col.5, lines 35+); transferring the data from the bar code symbol reader to the transceiver and processing the data into a message (col.8, lines 35-47); and transmitting the message over a wireless communication link to a base station (col.8, lines 57-61).

Re claim 2: Knowles teaches a system with method of receiving at a distribution node on which the base station is coupled (col.8, lines 57+); processing the symbol data at the distribution node to determine the message destination station (col.8, lines 35-55); and transmitting the message from the distribution node to the destination station over the network (col.8, lines 57-67).

Re claim 3: Knowles discloses a system, wherein the distribution node on the network is an Internet website 2 (col.5, lines 1-44).

Re claim 4: Knowles teaches a system, wherein the message is an alert or acoustic in the form of a radio paging sing including the data from the bar code symbol (col.5, lines 59+).

Re claim 5: Knowles discloses a system, wherein the alert includes information on the location of the bar code reader (col.6, lines 1-33).

Re claim 6: Knowles teaches a system, wherein the distribution node or link 5 includes a database containing paging address information (col.5, lines 17-24).

Re claim 8: Knowles discloses a system, wherein the alert/acoustical acknowledgement is the form of a HTML script/document (col.5, lines 24-30).

Re claim 9: Knowles teaches a system, which further comprises methods of providing access to the alert network page through a URL containing the appropriate query strings to present the appropriate page to the destination station (col.6, lines 1-14).

Re claim 10: Knowles fails to teach an alert signal identifying the user to the destination station (col.5, lines 17-60).

4. Claims 13-14 are rejected under 35 U.S.C. 102(e) as being unpatented by O'Hagan et al. (U.S. 6,314,406).

Re claim 13: O'Hagan et al. discloses a customer information network comprising of a computer-readable medium that stores computer-executable instructions, which includes responding to a coupling signal of a bar code reader 90 being electrically connected with the mobile computer by generating a data downloading command from the mobile computer 14 to reader (col.22, lines 47-59); downloading data from scanned bar code symbols from the reader to the mobile computer (col.31, lines 1-13); and in response to completion of the downloading action, transmitting an alert from the mobile computer to a base station containing a message with data read from the symbol (col.32, lines 31-45).

Re claim 14: O'Hagan et al. teaches a system, further comprising forming a website containing the data from the symbol (col.31, lines 14+), provide access to the page via a URL containing the appropriate query strings 993 necessary to present the appropriate page to a requesting client (col.25, lines 47-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles (U.S. 6,027,024) in view of O'Hagan et al. (U.S. 6,314,406).

The teachings of Knowles have been discussed above.

Knowles fails to teach a wireless local area network.

O'Hagan et al. discloses a customer information network, which includes a wireless local area network (WLAN) 16 (col.6, line 54).

In view of O'Hagan teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize a wireless local area network (WLAN) into the teaching of Knowles for coupling of the transceivers from the portable computers. Furthermore, the wireless local area network (WLAN) provides location independent access between two or more portable computer terminals, and direct communications among the base stations sharing a given cell coverage area. In addition, such modification would have been an improvement as taught by Knowles, and therefore an obvious expedient.

7. Claims 11-12, drawn to the apparatus claim 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marrs et al. (U.S. 6,161,760) in view of O'Hagan et al. (U.S. 6,314,406).

Re claims 11 and 15: Marrs et al. discloses a multiple application multi-terminal data collection network, which includes methods of reading bar code symbol on a portable bar code

Art Unit: 2876

reader 12 and 12' (col.2, lines 52-67) and storing the data therein 30,36 (see Fig. # 2; col.3, lines 34-40); coupling the bar code reader to a first mobile unit with a radio transceiver 26 (col.3, lines 9-15); decoding the bar code symbol and, encoding a message with the decoding data into a packet with a destination address corresponding to the destination node/link (col.4, lines 29-67; and col.5, lines 1-65), establishing a connection between the client and a server on a network (col.4, lines 63-67+), receiving the message at the second client over the network (col.1, lines 49-67; and col.2, lines 1+).

Marrs et al. fails to teach methods of transferring the packetized message to web server.

O'Hagan et al. teaches a customer information network, comprises a portable transaction computer linked to a web browser 802 (col.19, lines 59+).

In view of O'Hagan teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a web browser into the teaching of Marrs et al. to enable the user access and options through the Internet. Furthermore, the mobile scanner having communication link to the Internet is advantageous to the user for automatically surfing to Web sites by simply scanning to corresponding URL page address, present easier access without manual data entry operations, and to share communications to all linked users. Moreover, such modification would have been an obvious extension as taught by Marrs et al., therefore an expedient.

Re claim 12: Marrs et al. as modified by O'Hagan et al. teaches a system, further comprises of a server, determining if a second mobile unit is active on the network at the time the packetized textual message is received at the web server (col.6, lines 8-26); and if the second mobile unit is active, transmitting an alert from the web server to the second mobile unit that a

Art Unit: 2876

message destined for such unit is available from the web server (col.3, lines 62-67, and col.3, lines 1-16).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wilz, Sr. et al. (U.S. 6,076,773) discloses a web-based system and method for enabling a viewer to access and display HTML-encoded documents located on the World Wide Web.

Swintek (U.S. 5,528,025) teaches an apparatus and method for the wireless exchange of bar code data.

Ruppert et al. (U.S. 5,640,002) discloses a portable RF ID tag and bar code reader.

Mahany (U.S. 5,696,903) teaches a hierarchical communications system using microlink, and vehicular local area network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Application/Control Number: 09/977,720

Art Unit: 2876

Page 8

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
December 30, 2002



KARL D. FRECH
PRIMARY EXAMINER